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ABSTRACT

Most school districts have cautiously avoided situations in which they may violate the legal principle of church-state separation. This paper describes a few cases in which public schools found ways to legally include Christian activities for Christian students. The passage of the United States Equal Access Act in 1984 allowed religious clubs access to public secondary schools. The "Board of Education of the Westside Community Schools v. Mergens" case of 1990 ruled that high school students could participate in a prayer club at their school with a "limited open forum." The Mergens case opened the door to many student-led, Bible-club-related activities; however, the debate continues as to what constitutes a limited open forum. The "Mergens" case has also untied the hands of many Christian educators, parents, and students who want to allow Bible studies, clubs, and prayer groups on their campuses. These activities are growing rapidly. The key is that they must be organized and led by students. Two student-led organizations include the Fellowship of Christian Athletes (FCA) and Teens United in Faith (TUF) clubs. Elementary students at Gerard Elementary School in Cleburne, Texas, have also formed a Bible club with the strong support of parents, teachers, and their principal. The paper argues that the founding fathers of the United States intended freedom of religion rather than freedom from religion. (LMI)

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**"THE COURTS, RELIGION, AND PUBLIC EDUCATION:
FREEDOM OF CONSCIENCE AND THE LEMON TEST:
THE HUMAN SIDE: HOW DOES ALL THIS AFFECT KIDS?"**

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The Human Side: How Does All This Affect Kids?

With all the talk about the First Amendment and the Fourteenth Amendment, the Establishment Clause and the Free Exercise Clause, the Equal Access Act, and every other kind of act, just where does it all leave the students that are actually in the classrooms today? How does it effect them? What does it mean in their daily lives?

It varies from state to state and from school to school. Because of the tremendous number of court cases, most school districts have become ultra cautious to avoid any type of endangerment of getting too closely affiliated with religion. Out of concern for the Lemon Test, many administrators have chosen to be "Better safe than sorry." Rather than have "Christmas" holidays, they have opted for the term, "Winter Break." Teachers are told singing "Rudolph the Red Nosed Reindeer" is permissible, but "The First Noel" is not. Children can read Twas the Night Before Christmas, but teachers had better be very careful about the Biblical story of the birth of Christ. In the interest of protecting the rights of some, the majority of students are losing out on both their heritage and congruence with the belief structure their parents are fostering at home.

Recently a teen lamented, "We read the Bible as literature in English class, but we can't say a blessing at lunch. It's crazy!"

Mixed signals are being sent. The children are the losers.

Fortunately, there have been advances. In 1984 the United States Equal Access Act was drafted to implement access for religious clubs to public secondary schools, but with constitutionally protected safeguards to preclude entanglement of church and state. Although some viewed the Equal Access Act as an open door for students to be able to

have access to the same buildings and facilities as other student groups, still there was considerable confusion as to what the Act really allowed. The passage of the "Board of Education of the Westside Community Schools v Mergens" case in 1990 ruled high school students with a "limited open forum" could participate in a prayer club at school (Baron, 1991). The *Mergens* case has opened the door to many student led Bible club related activities, but still the debate continues as to what constitutes "limited open forum."

Regardless, the *Mergens* case has to a certain extent untied the hands of many Christian educators who wanted to allow Bible reading, clubs, prayer groups, etc. on their campuses, but were afraid of the legal ramifications, law suits, etc. With the growing strength and numbers of the conservative right amongst parents as well as students, school leaders are often as afraid now not to allow Bible clubs as they were to allow them only a few short years ago. With the protection of the Equal Access Act and the *Mergens* decision, parents and students alike are holding educators to the line claiming "the worm has turned" regarding freedom of conscience for all. Another teen says, "Christian students shouldn't have to suppress our beliefs for the beliefs of others. They don't have to participate in our things, but they are welcome if they want to. Believers and nonbelievers should both be accepted."

Although some still call Bible clubs and other Christian extracurricular activities "twilight zone" (Bilger, 1979) activities, they are growing rapidly. The key is that they must be student organized and led. Although Christian teachers and administrators may be strongly supportive of their endeavors, the actual planning and implementation of

Christian activities on campus must be by students. FCA, the Fellowship of Christian Athletes, is boasting record enrollment. Open to nonathletes as well as athletes, FCA groups often meet before school, after school, at night, and sometimes during the instructional day if other campus activities and clubs are taking place at the same time. Their activities can include prayer for their campuses and each other, sponsoring of Christian Sports Days, "Hoop it Up" basketball contests, and banquets. All are designed for students to have the opportunity to get together, share their faith, and just have some plain old fun in a safe, Christian environment. Working from the same premise and usually with the same goals, some students have led in the organization of "TUF" Clubs, standing for Teens United in Faith. Carrying their Equal Access rights one step farther, both type clubs have even gone so far as to have floats in campus homecoming parades.

Not to be outdone by their secondary counterparts, elementary school children from Christian homes are also getting in on the Bible Club scenario. Christian children at Gerard Elementary School in Cleburne, Texas requested permission and formed a before school Bible Club which they dubbed, "Early Risers." The club met before school on Wednesday mornings. Although they had the strong support of parents, teachers, and their principal, in the end it was the children who organized and led each week's efforts. They sang, had a Bible story, recited a Bible verses, and acted out fun skits all designed to teach basic Christian values such as honesty, loyalty, and patriotism. Growing in numbers as students had a good time, Early Risers easily became the largest and most popular student extracurricular activity on campus. Clubs such as this are

springing up all over America. They are popular. Kids like them. Parents like them. Even Christian teachers and administrators like them. They are worth getting up early for! Basic values are basic values. When students want to come and participate outside the school day, they should be allowed.

One of the most popular student led activities to have come up in recent years in "See You At the Pole." See You at the Pole has steadily grown each year. The premise is simple. Close to the beginning of the school year a date is set and publicized nationally. Word is circulated through Christian radio stations, through churches and youth groups, on flyers and T-shirts, and by word of mouth. Due to its rapid growth and popularity the secular media has now gotten into it with television cameras and newspaper articles doing on the scene, and before and after follow up commentary. At See You at the Pole students simply meet at a specified time around the flag poles on their campuses. Why the flag pole? Because every campus has one! When they get there, time is spent singing Christian choruses, in prayer for their campuses, their teachers, their administrators, themselves, and each other. Sometimes teens may give their testimonies. Sometimes they don't. Sometimes parents, teachers, and community members come. But it must remain student led. The whole atmosphere is informal, warm, and nonthreatening. Sixteen year old Brittani says, "I like See You at the Pole. It gives Christians a chance to plant a seed that there is something else out there that others believe. No one is threatened by it. We have a good time." When asked if teachers at her school come to See You at the Pole, Brittani says, "Yes, lots of them. More teachers seem to be involved in the Christian activities than others

because they want to keep Christianity alive in our school. Basic values are dwindling away in the society we live in." She cited drug and alcohol abuse, abortion issues, pregnancy before marriage, and teen violence/gangs as examples of a decaying society. Brittani felt there are many benefits to See You at the Pole. She listed Christians having the chance to know each other and that they are not alone, that others are working towards the same goals, that nonChristians see Christian bodies who are taking a stand against current trends, and time to pray for school and events happening around them. When asked, Brittani also said she believed a constitutional amendment in favor of voluntary school prayer would be beneficial, but she was careful to add that no one should force their beliefs on others. Any public prayers should be simple prayers that would not alginatate others. She felt a Moment of Silence was a good compromise.

On December 28, 1994 the CBS Evening News aired a report about the effects of the religious right on schools today. They discussed two incidents that have occurred where high school principals were forced to make hard decisions regarding religious activities in their schools. The first school was in Jackson, Mississippi. The principal there supported Christian students on some activities that others viewed as border line or "twilight zone." Some nonChristians pushed the issue resulting in the principal being temporarily removed from his position. In a separate incident in Austin, Texas a different high school principal faced a conservative Christian group of parents over the removal of controversial reading material. He refused. Again, strong controversy ensued. Similar to the Jackson situation, he also was temporarily reassigned from his position and ultimately retired.

Both cases generated heated discussions and strong feelings among their constituents and in their communities. Religion in the schools is a hot issue. The CBS News finished with, due to public outrage the Jackson principal ultimately returned to his position as principal of his school. The Austin principal did not. Some say prayer transcended politics and rhetoric. Some say it is a trend back to conservative values. Draw your own conclusions.

In any rate, the First Amendment has been battered around through the courts with case after case, year after year. Ultimately though the fact remains that the founding fathers' intent was freedom of religion, not freedom from religion. There is a major distinction. Many parents today, through networking and talking with their friends, are discovering that distinction and focusing on it.

It will be interesting to see what happens next.

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